

From: Bill Prentice
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/24/02 3:01pm
Subject: Microsoft Settlement

I am writing to voice my disapproval of the proposed final judgment in the anti-trust case against Microsoft.

I have found several areas that I feel will not only fail to prevent Microsoft from engaging in anti-competitive behavior in the future but also re-enforce the current status-quo.

Section III-

Subsection A. allows for Microsoft to terminate an OEMs Windows Operating system license after 2 warning notices are sent. The section does not define any time frame for which the notices have to be given within. Conceivably, Microsoft could use this provision to terminate licensing to an OEM by counting notice letters sent before the trial began.

Subsection C.2 : The phrase "so long as such shortcuts do not impair the functionality of the user interface" is entirely subjective and may be interpreted to mean Microsoft could determine that the functionality is impaired by having two internet browser application icons.

Subsection C.3 : Allows Microsoft to keep OEMs from including software that fore all intents and purposes has the same look and feel of Microsoft software - the same premise that Apple Computers sued and lost to Microsoft in an effort to block the distribution of the Windows OS

Subsection J.2 : Allows for Microsoft to refuse to provide any information as listed in the section to any distributor or developer of any open source type of software as the source code generally must be distributed and therefore could theoretically allow for any or all of the refusal conditions to be met

The main point of the findings of fact of the first proceedings under the Hon. Judge Jackson, and later affirmed by the Appellate Court, was that Microsoft had used such tactics as these to prevent and crush competition in the maintenance of its monopoly. By allowing this proposed settlement the court would be allowing for the continuation, with the sanction of the courts and government, of the very things already found to be illegal.

Sincerely,

Bill Prentice